

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 24 2020

MITCHELL R. ELFERS
CLERK /mg

April 22, 2020

Ronald Christopher Acosta

Reg. No. 6036A-051

FMC Fort Worth

P.O. Box 15330

Fort Worth, TX 76149

United States District Court
District Court of New Mexico

United States of America

Plaintiff-Respondent,

vs.

Criminal Case: 1:11-CR-1784-JH

Ronald Christopher Acosta

U.S. District Judge Herrera

Defendant-Movant.

COVID-19 PANDEMIC
EMERGENCY MOTION FOR
COMPASSIONATE RELEASE

COMES NOW, Movant, and does hereby move this district court, pursuant to 18 USC § 4205(g); 18 USC § 3582(c)(1)(A); and the Cares Act (signed Mar. 26, 2020, by U.S. Attorney General William Barr, as a directive correlated to the "extraordinary and compelling reasons" provision outlined in the First Step Act ("FSA") of 2018), to grant him permission Compassionate Release to spend the remainder of his imposed term of imprisonment on home confinement, due to COVID-19 pandemic.

Further support of this Emergency Motion are the "extraordinary and compelling reasons" warranting relief in light of the COVID-19 pandemic:

- (i) Movant is a 56 years old, hispanic male, domiciled in a federal medical center prison where there are currently several confirmed cases of COVID-19.
- (ii) Because complete and fully exhausted administrative remedies would be futile for granting Motion for Compassionate Release in light of COVID-19 pandemic, as Movant has several debilitating illnesses with potential catastrophic health consequences if infected: diabetes, asthma, COPD, weakened immune system, high but stable BP, and a colostomy bag nevertheless.
- (iii) Although he was sentenced to serve 240 + a consecutive 60 months for PWID 500 gr. and more of a Mixture and Substance Containing a Detectable Amount of Meth, and Possession of a Firearm in furtherance of a Drug Trafficking Crime, Movant neither a detainer nor a Public Safety Factor nor owe any court financial obligations.
- (iv) The warden has elucidated his fervent worry that this pandemic has invaded this prison since it ceased visitors (Apr. 1, 2020) from entry; and yet, this prison has two and a half housing units currently under quarantine since April 8, 2020.
- (v) Movant has no history of violence and, despite his imposed

sentence and the three "Moderate Severity" incident reports, he's neither a danger to the community nor a threat to others. [18 USC § 3142(g)]

(vi) Movant obtained his GED while housed at Terminal Island prison; and under the policy statement concomitant U.S.S.G. § 1B1.13, he has established sundry transferable skills to enter the work force once released to provide economic support to both his children.

(vii) Movant's release plan - so not to bore this court - to avoid recidivism contains short, mid, and long term goals, during and or throughout his ten years on supervised release in Albuquerque, New Mexico with Janet Restanio at 4737 Gibson Boulevard, S.E. (505) 322-2136.

Wherefore, Movant prays for an Order of immediate compassionate release under 18 USC § 3582(c)(1)(A); 18 USC § 4205(g); and the Cares Act, due to potential catastrophic health consequences via COVID-19 pandemic.¹

Executed on this 22nd day of April, 2020.

Respectfully Submitted,
Ronald C. Acosta

1. U.S. v. Latrice Culvin, No. 3:19-cr-179 (JBA), U.S. District of Connecticut (Apr. 2, 2020)

Certificate of Service

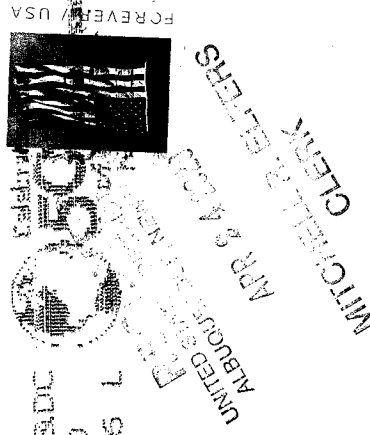
I do hereby certify that I did send a true and correct COVID-19 Pandemic Emergency Motion for Compassionate Release, to the clerk of court, postage prepaid, by U.S. Mail, this 22nd day of April, 2020, to the address listed below:

Clerk, U.S. District Court
District Court of New Mexico
333 Lomas Blvd., N.W., Suite 270
Albuquerque, NM 87102

Ronald C Acosta

Ronald C. Acosta
Reg. #60360-051
Federal Medical Center
P.O. Box 15330
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DALLAS TX 7520
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Legal Mail